

ESTTA Tracking number: **ESTTA39640**

Filing date: **07/22/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

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| Name | Montres Tudor S.A. |
| Granted to Date of previous extension | 07/24/2005 |
| Address | 3 Rue Francios DussaudCH-1211 Geneva,, 24 SWITZERLAND |
| Party who filed Extension of time to oppose | Rolex Watch U.S.A., Inc. |
| Relationship to party who filed Extension of time to oppose | Montres Tudor S.A. is the successor in interest in the mark TUDOR which was assigned from Rolex Watch U.S.A., Inc. to Opposer on April 15, 2005. Prior to the assignment of TUDOR to Opposer, Rolex Watch U.S.A., Inc. extended time to oppose and the right to oppose such application has been therefore also assigned to Opposer. |

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| Attorney information | Brian W. Brokate Gibney, Anthony & Flaherty, LLP 665 Fifth Avenue New York, NY 10022 UNITED STATES bwbrokate@gibney.com Phone:212-688-5151 x 808 |
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Applicant Information

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|-------------------------------|--|-------------------------------|------------|
| Application No | 76587996 | Publication date | 01/25/2005 |
| Opposition Filing Date | 07/22/2005 | Opposition Period Ends | 07/24/2005 |
| Applicant | SEIKO INSTRUMENTS USA, INC. 1309 Rutherford, Suite 160 Austin, TX 78753 UNITED STATES | | |

Goods/Services Affected by Opposition

Class 014.

All goods and services in the class are opposed, namely: WATCHES AND CLOCKS

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| Attachments | time tutor not opp.pdf (3 pages) |
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| Signature | /Brian W. Brokate/ |
| Name | Brian W. Brokate |
| Date | 07/22/2005 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No. **76/587996**

For the mark **TIME TUTOR**

Published in the Official Gazette on January 25, 2005

MONTRES TUDOR S.A.

v.

SEIKO INSTRUMENTS USA, INC.

NOTICE OF OPPOSITION

Montres Tudor S.A. a Swiss Société Anonyme, successor in interest in the mark TUDOR from Rolex Watch U.S.A., Inc. ("Opposer"), believing that it will be damaged by the registration of the mark shown in the above-identified application, hereby opposes application serial no. 76/587996.

The grounds for opposition are as follows:

1. The Opposer is a corporation duly organized and existing under the laws of Switzerland, having an office and principal place of business at 3 Rue Francios Dussaud, CH-1211 Geneva, 24, Switzerland.
2. The trademark TUDOR was assigned from Rolex Watch U.S.A., Inc. to Opposer on April 15, 2005.
3. Prior to the assignment of TUDOR to Opposer, Rolex Watch U.S.A., Inc. extended time to oppose application serial no. 76/587996 and the right to oppose such application has been therefore also assigned to Opposer.
4. Commencing long prior to Applicant's filing date, Opposer and its predecessors in interest have been responsible for assembling, finishing, marketing and selling in interstate commerce high quality Tudor watches, watch bracelets and related products for men and women under the mark TUDOR.
5. Opposer is the exclusive distributor and warrantor in the United States of Tudor watches, all of which are identified by the trade name and trademark TUDOR.

6. Opposer is the owner of, and will rely herein, upon the a federal trademark registration in the U.S. Patent and Trademark Office for TUDOR, Reg. No. 1,002,030 which was issues on January 21, 1775 and has become incontestable pursuant to 15 U.S.C. § 1065 (the "TUDOR Registration").
7. The TUDOR Registration is registered for the following goods: watches and clocks and parts thereof, watch bracelets, and jewelry.
8. The TUDOR Registration is valid and subsisting and is conclusive evidence of Opposer's exclusive right to use TUDOR in commerce on the goods specified in Registration No. 1,002,030.
9. Opposer will also rely on its common law trademark rights resulting from its use of the TUDOR mark on a variety of goods, including watches, watch bracelets and related products.
10. Opposer has used the TUDOR trademark for many years on and in connection with Tudor watches and related products. The TUDOR trademark identifies high quality products originating with Opposer.
11. Since its initial use of the TUDOR mark, Opposer has made a substantial investment in advertising and promoting its goods under the TUDOR trademark. Based upon Opposer's extensive use, advertisement, promotion and sales of its goods bearing the TUDOR trademark to the public through various channels of trade in commerce, the TUDOR trademark has acquired secondary meaning so that any product and advertisement bearing such marks is immediately associated by consumers, the public and the trade as being a product and affiliate of Opposer.
12. Opposer has gone to great lengths to protect its name and enforce the TUDOR trademark.
13. The TUDOR trademark is a fanciful mark that is entitled to the highest level of protection afforded by law.
14. The TUDOR trademark is famous and distinctive and became such prior to the Applicant's filing for the mark TIME TUTOR.
15. Upon information and belief, notwithstanding Opposer's rights in and to the TUDOR trademark, on April 20, 2003, Applicant filed an intent to use application for registration of the alleged TIME TUTOR trademark for "watches and clocks."
16. Applicant's TIME TUTOR application was assigned Serial No. 76/587996, and was published for Opposition in the *Official Gazette* on January 25, 2005.
17. Opposer, upon information and belief, avers that its customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin and

sponsorship of Applicant's proposed goods to be marketed under Applicant's alleged TIME TUTOR trademark and misled into believing that such goods are produced by, emanate from, or are in some way directly or indirectly associated with Opposer, to the damage and detriment of Opposer and its reputation.

18. Opposer, upon information and belief, believes that it will be damaged by the registration by Applicant of the alleged TIME TUTOR trademark, as set forth in Applicant's Trademark Application Serial No. 76/587996, in that the mark is substantially similar to Opposer's trademark and common law rights.

WHEREFORE, the Opposer, believes that it is being and will continue to be damaged by the registration of the TIME TUTOR trademark as aforesaid, and prays that said Application Serial No. 76/587996 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

The filing fee for this opposition in the amount of \$ 300 is enclosed herewith.

Respectfully Submitted,

Dated: July 22, 2005

By: 

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